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**Board of Vocational Nursing
and Psychiatric Technicians**

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7
8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. PT-2010-2294

11 **VALERIE LOUISE ANDERSON**
12 **300 Jupiter Ridge #187**
13 **Coalinga, CA 93210**

A C C U S A T I O N

14 **Psychiatric Technician License No. PT**
15 **28332**

Respondent.

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17
18 Complainant alleges:

19 **PARTIES**

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in
21 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
22 Technicians, Department of Consumer Affairs.

23 2. On or about October 21, 1992, the Board of Vocational Nursing and Psychiatric
24 Technicians issued Psychiatric Technician License Number PT 28332 to Valerie Louise
25 Anderson (Respondent). The Psychiatric Technician License was in full force and effect at all
26 times relevant to the charges brought herein and will expire on September 30, 2014, unless
27 renewed.
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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric
3 Technicians (Board), Department of Consumer Affairs, under the authority of the following laws.
4 All section references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
6 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
7 disciplinary action during the period within which the license may be renewed, restored, reissued
8 or reinstated.

9 5. Section 4520 of the Business and Professions Code (Code) provides, in pertinent part,
10 that the Board may discipline any licensed psychiatric technician for any reason provided in
11 Article 3 (commencing with section 4520) of the Psychiatric Technicians Law (Code § 4500, et.
12 seq.)

13
14 **STATUTORY PROVISIONS**

15 6. Section 4521 of the Code states:

16 “The board may suspend or revoke a license issued under this chapter [the Psychiatric
17 Technicians Law (Bus. & Prof Code, 4500, et seq.)] for any of the following reasons:

18 (a) Unprofessional conduct, which includes but is not limited to any of the following:

19 (1) Incompetence or gross negligence in carrying out usual psychiatric technician
20 functions.”

21
22 **REGULATORY PROVISIONS**

23 7. California Code of Regulations, Title 16, section 2577, states:

24 “As set forth in Section 4521 of the code, gross negligence is deemed unprofessional
25 conduct and is grounds for disciplinary action. As used in Section 4521 ‘gross negligence’ means
26 a substantial departure from the standard of care which, under similar circumstances, would have
27 ordinarily been exercised by a competent licensed psychiatric technician, and which has or could
28 have resulted in harm to the consumer. An exercise of so slight a degree of care as to justify the

1 belief that there was a conscious disregard or indifference for the health, safety, or welfare of the
2 consumer shall be considered a substantial departure from the above standard care."

3 8. California Code of Regulations, Title 16, section 2577.1, states:

4 "As set forth in Section 4521 of the code, incompetence is deemed unprofessional conduct
5 and is grounds for disciplinary action. As used in Section 4521, 'incompetence' means the lack of
6 possession of and the failure to exercise that degree of learning, skill, care and experience
7 ordinarily possessed and exercised by responsible licensed psychiatric technicians."

8 9. California Code of Regulations Title 16, section 2576.5 provides:

9 "The licensed psychiatric technician performs services requiring technical and manual skills
10 which include the following:

11 (a) Uses and practices basic assessment (data collection), participates in planning,
12 executes interventions in accordance with the care plan or treatment plan, and contributes to
13 evaluation of individualized interventions related to the care plan or treatment plan.

14 (b) Provides direct patient/client care by which the licensee:

15 (1) Performs basic nursing services as defined in subdivision (a);

16 (2) Administers medications;

17 (3) Applies communication skills for the purpose of patient/client care and
18 education; and

19 (4) Contributes to the development and implementation of a teaching plan related
20 to self-care for the patient/client."

21 10. California Code of Regulations, Title 16, 2576.6 states in pertinent part:

22 "(a) A licensed psychiatric technician shall safeguard patients'/clients' health and safety by
23 actions that include but are not limited to the following:

24 (1) Reporting to the Board acts specified in Section 4521 of the Business and Professions
25 Code;

26 (2) Documenting patient/client care in accordance with standards of the profession; and

27 (3) Performing services in accordance with Section 125.6 of the Business and Professions
28 Code.

1 ...
2 (c) A violation of this section constitutes unprofessional conduct for purposes of initiating
3 disciplinary action.”

4 11. California Code of Regulations, Title 16, section 2578 subdivision (a) states:

5 “For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
6 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
7 considered to be substantially related to the qualifications, functions or duties of a licensed
8 psychiatric technician if to a substantial degree it evidences present or potential unfitness of a
9 licensed psychiatric technician to perform the functions authorized by his license in a manner
10 consistent with the public health, safety, or welfare.”

11
12 **COST RECOVERY**

13 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licensee found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

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18 **BACKGROUND FACTS**

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20 12. During the time period roughly between April 2002 and December 2010, Respondent
21 was employed as a Psychiatric Technician at Tri-City Mental Health Center (Tri-City) located in
22 Pomona, CA.

23 13. L.D., a patient at Tri-City was prescribed Seroquel 25 mg beginning on or around
24 June 8, 2010.

25 14. On or around November 5, 2010, L.D. missed an appointment with her doctor
26 however, on or around November 29, 2010, L.D. contacted Tri-City in order to obtain additional
27 Seroquel medication.
28

1 15. During the time period between November 16, 2010 and December 7, 2010, L.D.'s
2 doctor was on out on vacation and thus unavailable.

3 16. On or around November 29, 2010, Respondent visited L.D. at home and provided
4 L.D. with eight sample packages of Seroquel XR 50 mg (samples) for a total of 32 pills.

5 17. On or around December 2, 2010, L.D. reported that the medication that Respondent
6 provided "was too strong" and caused L.D. to be "groggy." L.D. returned the rest of the
7 medication to Tri-City.

8 18. Respondent did not obtain a doctor's signature before delivering the samples to L.D.

9 19. Respondent admitted that she delivered the samples to L.D. without a doctor's order.

10 20. Respondent failed to document a verbal order relating to the administration of the
11 samples on the date the verbal order was given.

12 21. Respondent documented the incorrect form and dosage of Seroquel for L.D.
13 Specifically, L.D.'s prescription was for "Seroquel 25 mg one tab", whereas Respondent
14 documented "Seroquel xl" and "50 mg one tab" (not 25 mg one tab or 50 mg ½ tab).
15

16 22. Respondent failed to safeguard L.D.'s health and safety when she dispensed and
17 delivered Seroquel XR 50 mg without consulting a doctor.

18 23. Respondent was effectively terminated from Tri-City on or around December 17,
19 2010 for violating Tri-City Personnel Rules and Regulation relating to her treatment of L.D.
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22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Gross Negligence)**

24 24. Respondent is subject to disciplinary action under section 4521(a) (1) on grounds of
25 unprofessional conduct as defined in California Code of Regulations, Title 16, section 2577, in
26 that while on duty as a psychiatric technician at Tri-City on or around November 29, 2010,
27 Respondent committed acts of gross negligence, each of which was a substantial departure from
28

1 the standard of care. Complainant incorporates paragraphs 12 – 23 by reference, as if fully set
2 forth herein.

3
4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Incompetence)**

6 25. Respondent is subject to disciplinary action under section 4521(a) (1) on grounds of
7 unprofessional conduct as defined in California Code of Regulations, Title 16, section 2577.1 and
8 in conjunction with California Code of Regulations, Title 16, section 2576.5, in that while on duty
9 as a psychiatric technician at Tri-City on or around November 29, 2010, Respondent committed
10 multiple acts of incompetence. Complainant incorporates paragraphs 12 – 23 by reference, as if
11 fully set forth herein.
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14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct: Failure to Safeguard Patient Health/Safety)**

16 26. Respondent is subject to disciplinary action under section 4521(a) (1) on grounds of
17 unprofessional conduct as defined in California Code of Regulations, Title 16, section 2576.6 in
18 that while on duty as a psychiatric technician at Tri-City on or around November 29, 2010,
19 Respondent failed to safeguard the patient's health and safety. Complainant incorporates
20 paragraphs 12 – 23 by reference, as if fully set forth herein.
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23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct)**

25 27. Respondent is subject to disciplinary action under section 4521(a) (1) on grounds of
26 unprofessional conduct while on duty as a psychiatric technician at Tri-City on or around
27
28


1 November 29, 2010. Complainant incorporates paragraphs 12 – 23 by reference, as if fully set
2 forth herein.

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4 **PRAYER**

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
7 issue a decision:

- 8 1. Revoking or suspending Psychiatric Technician License Number PT 28332, issued to
9 Valerie Louise Anderson;
- 10 2. Ordering Valerie Louise Anderson to pay the Board of Vocational Nursing and
11 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
12 pursuant to Business and Professions Code section 125.3;
- 13 3. Taking such other and further action as deemed necessary and proper.
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16 DATED: **DEC 12 2012**


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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